REMARKS/ARGUMENTS

Claim Amendments

The Applicant has amended no claims. Applicant respectfully submits no new matter has been added. Accordingly, claims 19, 21-23, and 25-28 are pending in the application. Favorable reconsideration of the application is respectfully requested in view of the foregoing amendments and the following remarks.

Response to Arguments

The Applicant appreciates the Examiner's thorough explanation of the reasoning applied to the rejection of Applicant's arguments. The Applicant believes that the explanations that were provided by the Applicant to some rejections in the previous Office Action were not sufficiently clear.

The Examiner states that the Applicant's claims are directed to providing called party multimedia to a calling party. This is correct and because of the response from the Examiner, it is the belief of the Applicant that the Applicant's argument probably confusing and didn't provide a clear enough explanation regarding the reasons for traversing the Examiner's argument.

The Examiner responded to comments by the Applicant, both in the Advisory Action and the current rejection, quoted in the following:

"The Applicant's specification states, "In the embodiment of Figure 2 the calling party's terminal can be a terminal that is not able to send multimedia information itself. In that embodiment a service network SN2 is used to send the multimedia information..." (page 12, lines 13-17). In other words, if the calling party terminal can't send multimedia data the network, triggered by a demand, or trigger, in the calling party's profile, sends multimedia data to the called party in place of the calling party terminal." The Examiner didn't include the full explanation, though it doesn't provide a complete explanation of the Applicant's thoughts.

The paragraph cited by the Examiner did not include the last sentence as written by the Applicant. It concluded with "This also applies in the reverse where the called party can't send data to the calling party or network. (the emphasized sentence is part

of the Applicant's earlier argument) which is not included in the Examiner's quote. The Applicant respectfully submits leaving this sentence off the quoted Applicant's answer unfairly characterizes the Applicant's argument. With the included sentence, the Applicant is attempting to point out that the process can work both ways, i.e., the called party can have the data sent to the calling party. The Applicant, below, provides further support directly from the Specification to support the Applicant's position stated in the emphasized sentence.

The Examiner disagreed with Applicant's argument regarding Heinonen's failure to disclose sending to the called terminal and cited *In re Keller* (1981) in stating that the test for obviousness is not whether the feature of a secondary reference may be incorporated into the structure of the primary reference the test is what the combined teachings of the references would have suggested to those of ordinary skill in the art. The Applicant respectfully submits that a summary of the combination of Choe and Heinonen, as recited by the Examiner – a search path to a data file can be transmitted in a setup message and the handset can use, for example WAP to retrieve the data file from the network server using the search path or URL - does not suggest to one skilled in the art all the limitations of the independent claims.

It appears that the Examiner is indicating that the combination of the two references would disclose sending a message, but Applicant asserts that the target of the message is important and in Heinonen the target is not the same as that of the claimed limitation. The Applicant respectfully submits that the limitation in claim 19 of sending a message to a specific destination is pretty important. If Heinonen is sending a message in the opposite direction to a called party, then the claim limitation is not disclosed in Heinonen. The Applicant respectfully submits that if the limitation is not present in the Heinonen reference, then there is no limitation to combine with Choe.

Claim Rejections – 35 U.S.C. § 103 (a)

Claims 19, 21, 23, 25, 27, and 28 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Choe et al (Choe hereafter) (US 2004/0114732 A1) in view of

Heinonen, et al. (Heinonen hereafter) (US 6,671,370). The Applicant traverses the rejection of these claims and respectfully directs the Examiner's attention to claim 19

19. (Previously Presented) A method, in a telecommunications network, of providing multimedia information associated with called party terminal to a calling party terminal, the method, performed by a core network node, comprising the steps of:
retrieving subscriber data of the called party, <u>wherein the subscriber data comprises a demand for presenting the multimedia information;</u>
receiving in the core network node a call set up message comprising an identification of the called party,
recognizing, according to the subscriber data and the received identification of the called party, <u>the demand for providing the multimedia information</u>, and
sending <u>a network address or Universal Resource Locator (URL) to the calling party terminal for retrieving the multimedia information.</u>

The Applicant respectfully submits that the above-emphasized limitations of claim 19 are not taught or suggested in the Choe reference, the Heinonen reference or a combination of the Choe and Heinonen references.

The "demand" as recited by claim 1, is included in subscriber data of the called party. The present invention places a "demand" in the subscriber information to cause the core network node to send multimedia information to the calling party terminal. In rejecting claim 1, the Examiner cites paragraph [0029] as teaching the limitation recognizing the demand for providing the multimedia information. Paragraph [0029] describes the PRBT system accessing the IDC to retrieve message settings. A difference between a subscriber in the present invention and one in the Choe reference is that sending multimedia ringback tones, in Choe, is a result of finding the subscription and, in the Applicant's invention, the demand is added to subscriber data so as to cause the network node, when accessing the subscriber data, to send the multimedia information.

In a related issue, the Examiner states in the Response to Arguments, that "by the called party having a subscription is the demand to send personalized multimedia and not being subscribed, that's the demand to send conventional multimedia information..." (Detailed Action page 4, lines 7-10). The Examiner equates the presence of a subscription to the term "demand" in the rejected claim. However, if the subscriber

in the Applicant's invention does not have a demand, standard (conventional) information is sent to the calling party, even with a subscription.

The subject claim indicates that the called party is subscribed (subscriber data) and when the subscription is accessed, if a demand is not present in the data, the calling party does not get the called party's personalized multimedia. On the other hand in Choe, if the called party is a subscriber, the calling party gets the personalized media. This being the case, the Applicant respectfully submits that the "demand" is not equivalent to the mere presence of a subscription to send multimedia, a demand must be present and Choe lacks a demand in the subscription.

The Detailed Action cites the Heinonen reference as teaching "sending a network address or Universal Resource Locator (URL) to the calling party terminal for retrieving the multimedia information." The Examiner is mistaken. The Heinonen reference discloses a WLAN in which the calling party chooses what information to send to a called party to announce the calling party. Heinonen discloses in more than one location the purpose of the invention is for the calling party to choose the multimedia information and that the calling party is sending ringing information to the called party, e.g., "...a ringing information file is sent from a calling telephone to a receiving telephone." (col. 3, lines 37-38). In fact, the reference the Examiner cites to reject the limitation actually supports the Applicant's contention that Heinonen does not teach "...sending...to the calling party terminal...".

When considering the full paragraph of the cited portion of Heinonen instead of just the final sentence (below) as cited by the Examiner, Heinonen teaches against sending ring tone information to a calling party terminal:

> In <u>sending ringing information to a recipient handset</u>, the calling handset utilizes an H.323 setup message by way of which a search path is sent to <u>a data file that is associated with the calling handset and with the recipient handset</u>. The recipient handset then retrieves a user selected ringing indication based upon receiving ringing information from the network server. In a cellular system, the search path to <u>the data file is transmitted</u> in the setup message, and the calling handset uses the same protocol; for example, WAP, to retrieve the data file from the network server of the telephone system. (emphasis added)

The Applicant respectfully submits that Heinonen's "data file", cited by the Examiner, is a file selected by the calling party, upon initiating a call, that contains different ringing indications (Abstract) and the file is associated with both parties, not just the called party as in the Applicant's invention. Sort of like a common file, as between the calling and called parties.

With further regard to "demand", in the rejection language the Examiner indicates that if the called party is a subscriber, the action referred to above in the Response to Arguments occurs (if a subscriber, sending personalized multimedia, if not a subscriber; sending standard tones). The Applicant asserts that "demand" is not present; "All limitations of the claimed invention must be considered when determining patentability. " *In re Lowry*, 32 F.3d 1579, 1582, 32 U.S. P.Q. 2d 1031, 1034 (Fed. Cir. 1994) In comparing the Choe reference to the claimed invention to determine obviousness, limitations of the presently claimed invention may not be ignored. The present invention claims a demand being present in a subscription and sending information to a calling party. Such features are not taught or suggested by Choe and Heinonen. Therefore, claim 19 is not obvious in view of Choe and Heinonen.

This being the case, the Applicant respectfully submits that neither Choe nor Heinonen disclose the above discussed limitations. The Applicant respectfully requests the allowance of independent claim 19 and analogous independent claims 23, 27 and 28.

Claims 21 and 25 depend from claims 19, and 23 respectively and include further limitations in combination with the novel elements of claims 19 and 23. Therefore, the allowance of claims 21 and 25 is also respectfully requested.

Claims 22 and 26 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Choe – Heinonen in view of Nguyen et al (US 2004/0120477 A1). The Applicant respectfully traverses the rejection of these claims.

The Nguyen reference is cited as teaching multimedia information is provided using a packet switched connection. The cited portion of Nguyen discloses routing "... communication requests between the various elements...". The Applicant respectfully

submits routing messages through a signal transfer point is not the same as sending multimedia information using a packet switched connection. Be that as it may, the Applicant respectfully submits that Nguyen fails to provide the elements lacking in the combination of the Choe and Heinonen references. Claims 22 and 26 depend from independent claims 19 and 23 respectively and recite further limitations in combination with the novel elements of claims 19 and 23. Therefore, the allowance of claims 22 and 26 is respectfully requested.

CONCLUSION

In view of the foregoing remarks, the Applicant believes all of the claims currently pending in the Application to be in a condition for allowance. The Applicant, therefore, respectfully requests that the Examiner withdraw all rejections and issue a Notice of Allowance for all pending claims.

The Applicant requests a telephonic interview if the Examiner has any questions or requires any additional information that would further or expedite the prosecution of the Application.

Respectfully submitted,

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